

*The respondent, James A. Pierson Jr., is currently licensed a amateur radio operator (N1SZ). The respondent has extensive experience in the areas of radio frequency interference, passive intermodulation and spectrum management. Presently, the respondent works with a large number of wireless operators (commercial and government/municipal) to eliminate sources of both fundamental and intermodulation-based interference from their networks.*

Subject:

**Response to Petition, RM-10521 – Proposed Rule Making to Allow the Use of European/UK Style PMR 446 Type Radios in the 446.0 MHz – 446.1 MHz Band**

Comments:

I am opposed the petitioner's request, in RM-10521, for the allowance of PMR 446 type radios in the 446.0 MHz to 446.1 MHz spectrum for the following reasons:

1.) In the respondent's opinion, the petitioner has based his proposal for a rule change on a belief that since foreign nationals visiting the U.S. are already breaking the law by operating PMR 446 radios, the Commission should change its rules to make the operation of this type equipment legal. If the Commission granted this petition, it would be setting a dangerous precedent, allowing future exploitation of U.S. spectrum allocations by foreign equipment manufacturers.

In the petitioner's proposal, he states:

"There appears to be no effort on the part of the Commission, or United States Customs authorities, to stop the illegal importation and use of these PMR 446 radios in the US. If the Title 47 Code of Federal Regulations (CFR) Part 97 ARS rules and regulations are not to be enforced, or more appropriately are deemed essentially unenforceable against traveling foreign tourists, then the Commission should legalize the current illegal use of PMR 446 radios by visiting non-amateur non-US resident foreign nationals in the United States."

Amateur radio operators are widely known for their excellent technical abilities, advancement of radio technology and self-policing operations. The Commission is well aware of the role amateurs have played in not only the identification and location of illegal operations in the amateur bands, but also the assistance amateurs have provided other services (police, fire and other municipal agencies) in finding illegal operations affecting them.<sup>1</sup> The petitioner has based his entire petition on his belief that, "There appears to be no effort on the part of..." I can assure the Commission that this respondent, as well as many other licensed amateurs take these threats to our spectrum allocations seriously and when presented with the opportunity, we do take the appropriate action to see that CFR 47, Part 97 rules are enforced.

2.) With respect to the proposed allocation at 446.0 MHz – 446.1 MHz, the petitioner fails to recognize the potential interference impact to the nationally recognized 446.0 MHz "Simplex Calling Channel." as designated by the ARRL Amateur Service Band-Plan. With this said, the Wilderness Protocol<sup>2</sup> utilizes 446.0 MHz as a secondary calling frequency. The Wilderness Protocol is suggested method for amateurs in remote/uninhabited areas to facilitate communications when repeater coverage is not

available. The introduction of an unlicensed and essentially unregulated service in the vicinity or on this frequency can potentially hinder vital communications in these areas in the event of an emergency.<sup>3</sup> The possibility for interference on the designated channels in the PMR 446 band, as indicated in the document: *UK Interface Requirement 2009 Private Business Mobile Radio Operating in the licence exempt PMR 446 MHz band*<sup>4</sup>; is even acknowledged. On the basis of the argument that, the introduction of PMR 446 type equipment can cause harmful interference to the Amateur Radio Service and potentially interfere with vital communications, the Commission should deny the petitioner's request.

In summary, the citizens of the United States are bound by the laws that they themselves have chosen. We are also bound by the laws of the nations we visit without exception to our nationality. The granting of this petition would be akin to allowing non-U.S. citizens, who do not hold a valid driving license anywhere, to drive in the U.S. and also break our speed limit laws. Just because it may happen, and it may be acceptable somewhere else, it does not mean we should change our laws. We would not make an exception in the case mentioned above; I request that the Commission not make a similar exception with regard to petition RM-10521.

I am opposed to petition RM-10521 and respectfully request that the Commission deny this petition without further review.

Respectfully submitted,

James A. Pierson Jr. N1SZ

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<sup>1</sup> See [http://www.fcc.gov/eb/News\\_Releases/flippol.html](http://www.fcc.gov/eb/News_Releases/flippol.html)

<sup>2</sup> Wilderness Protocol – see page 87 of AMATEUR RADIO EMERGENCY SERVICE ARES FIELD RESOURCES MANUAL - <http://www.arrl.org/FandES/field/aresman.pdf>

<sup>3</sup> An example of how PMR 446 equipment can hinder communications can be best witnessed with the use of U.S. allowed FRS transceivers at a typical ski resort. On many occasions, the respondent has observed first hand, the popular use of these unlicensed type radios for general communication between skiers. Due to the low cost and availability of these FRS transceivers, their use is so popular that interference on the channels is very common, and at times constant. These same ski resorts are commonly frequented by a large number of tourists, which includes tourists from the United Kingdom. If the Commission were to grant this petition, it is entirely likely that that the operation of a PMR 446 type radio (especially on mountains with a long radio horizon) can potentially interfere with vital communications occurring on 446.0 MHz in remote areas. This interference can not only hinder voice communications but also hinder any direction finding operations in an emergency. Furthermore, there is no information to show that; the popularity and use of the PMR 446 type equipment would be any less than that of the FRS service radios currently available in the U.S. and the same type of interference seen in the FRS spectrum would not occur in the 446.0 MHz – 446.1 MHz spectrum.

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<sup>4</sup> See page 5, <http://www.radio.gov.uk/publication/interface/word-pdf/ir2009.pdf> - “These frequencies are shared and users may, under local heavy use conditions, experience interference and channel sharing problems.”